



P O S E I D O N R E S O U R C E S

April 2, 2008

Mr. John Robertus
Executive Officer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 1000
San Diego, CA 92123-4340

Dr. Richard Wright
Chairman
San Diego Regional Water Quality Control Board
100 Howe Ave, Suite 100 South
Sacramento, CA 95825

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD
2008 APR -2 P 12:13

RE: *Carlsbad Desalination Project (Order No. R9-2006-0065, NPDES No. CA0109223), April 9, 2008 Hearing, Agenda item #7*

Dear Mr. Robertus and Dr. Wright:

I write to request that the San Diego Regional Water Quality Control Board ("Regional Board") deny the request from San Diego Coastkeeper and Surfrider Foundation ("Coastkeeper/ Surfrider") to postpone Regional Board action regarding the Revised Flow, Impingement and Entrainment Minimization Plan ("Plan") submitted by Poseidon Resources ("Poseidon") and scheduled for hearing on April 9th.

Although Coastkeeper/Surfrider contend that they and their experts have had insufficient time to review and comment on the Plan, the Plan actually was initially made available for review in February 2007. Coastkeeper provided comments on the Plan, which Poseidon revised in response to those and other comments. After revisions, the Plan was again released for review in July 2007, as Coastkeeper/Surfrider were well aware. One month ago, Poseidon provided additional clarification pursuant to Regional Board request. During the nine-month period after release of the revised Plan last July and the incorporation of additional information, Coastkeeper/Surfrider chose not to provide any substantive comments on the Plan, instead waiting until the Regional Board scheduled the matter for a hearing to request additional time for review and comment. Such a request should not be honored.

In addition, delay of approval of the Plan is not necessary to accomplish the purpose stated by Coastkeeper/Surfrider: to allow additional time for coordination between the Regional Board and other agencies and interested parties. In fact, the Plan itself calls for such coordination, requiring the Regional Board, the California Coastal Commission, and the State Lands Commission to be involved in developing, reviewing, and approving a detailed mitigation plan after approval of the Plan. There are multiple

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opportunities for public involvement during the coordination efforts required to produce a detailed mitigation plan that is acceptable to these regulatory agencies.

Finally, any requirements for "consolidated permits" cited by Coastkeeper/Surfrider are inapplicable to the Plan because such requirements do not apply to the permit issued to Poseidon by the Regional Board. Poseidon has neither applied for nor obtained a "consolidated permit" as defined in the California Code of Regulations.

Accordingly, we respectfully request that the Regional Board continue with its scheduled review and approval of the Plan at the April 9th hearing. To do otherwise would cause unnecessary delay that would harm the public without benefitting the environment.

Sincerely,



Peter MacLaggan
Senior Vice President

cc:

David King, Vice Chairman
Susan Ritschel, Board Member
Eric Anderson, Board Member
Wayne Rayfield, Board Member
Elizabeth Pearson-Schneider, Board Member
Kris Weber, Board Member
John Robertus, Executive Director